

Applicant: Giuseppe Dal Pra'
Application No.: 10/722,986

REMARKS

This Reply includes amendments to claims 2-9 and 15 and adds claims 22 and 23. Claims 1-23 are currently pending.

Priority

This application claims priority to U.S. Application Serial No. 09/994,718, which in turn claims priority from Italian Application No. TO2000A001124 filed December 1, 2000. A certified copy of the priority document can be found in the parent Application Serial No. 09/994,718, now U.S. Patent No. 6,685,568.

Specification

This Reply amends the Specification to identify the issued patent from which the application claims priority.

Claims Rejection-Obviousness-Type Double Patenting

The Action rejected claims 1-3 and 5-21 under the judicially created doctrine of obviousness-type double patenting. Pursuant to 37 C.F.R. 1.321(c). The Terminal Disclaimer filed herewith should remove this obviousness-type double patenting rejection.

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Claims Rejection- 35 U.S.C. § 103 Obviousness

The Action rejected claims 1-5, 7-18, and 20-21 as obvious over EP 0461053 to Thiberge¹ in view of various combinations of JP 04222865; US 4,809,843; JP 35-37313; US 3,910,136; and US 5,624,336.

Thiberge discloses a bicycle derailleur assembly without any suggestion or teaching of plastic composite material or the like. Even if JP 04222865 discloses a glass fiber fabric, it lacks any teaching or suggestion of use in bicycle derailleur assemblies. The '843 patent discloses a vibrating conveyor that uses a reinforced carrier; there is no showing of any relevance to the application field of endeavor. JP 35-37313 appears to disclose a pin attached to a plate by caulking; there is no showing of any relevance to the application field of endeavor. The '136 patent discloses use of plastic but is not relevant to the claimed structure. Finally, the '336 patent discloses the use of aluminum alloys in cycle components. None of these references nor any reasonable combination of them teaches or suggests applicant's invention. Each independent claim set will be discussed in turn.

Claim 1

The combination of a plastics reference (JP04222865) with the cycling references is inappropriate because there is no suggestion to combine the references in the absence of a hindsight reconstruction based on the applicant's disclosure.

¹ The Action refers to this reference as "EP 413053" in Paragraph 5, which appears to be a typographical error.

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Further, none of the references teach or suggest the specific combination of an inner plate "made of metallic material and the outer plate is made of a structural fiber fabric incorporated in a plastic material matrix." Using different materials for each plate is a compromise between weight and strength that the prior art does not teach or suggest. Therefore, claim 1 is allowable over the prior art.

Claims 2-8

Claims 2-5, 7 and 8 all depend from independent claim 6, which was rejected only under the doctrine of obviousness-type double patenting. The Terminal Disclaimer filed herewith overcomes this rejection and its withdrawal is requested. Thus, claims 2-8 is allowable over the prior art.

Claims 9-14

None of the references teach or suggest the structure of independent claim 9, and its dependent claims. In particular, the references do not show that "the outer plate includes an adjustment screw that engages a wheel rotationally mounted on said pivot pin" as recited in claim 9.

Thiberge does not teach or suggest an adjustment screw that engages the claimed wheel, and the Action does not point to any reference, including Thiberge, that teaches or suggests this element. Since the references do not teach or suggest this element, claims 9-14, which include this element, are allowable.

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Claims 15-21

None of the references teach or suggest the structure of claims 15-21. In particular, the references do not show "a return spring that connects with a hole in the regulation wheel and rotates the assembly about the pin" as recited in claim 15.

Thiberge does not teach or suggest that its spring 4 engages any hole in wheel 6, and the wheel 6 does not show any hole. The Action does not point to any other reference that teaches or suggests this element. Since the references do not teach or suggest the recited element, claims 15-21 should be allowable. Further, claim 16, which was rejected only under the doctrine of obviousness type double patenting, is allowable.

Claim 22

The prior art does not teach or suggest the structure of claim 22, namely, that the outer plate is formed of a "plurality of compression-molded fabric sheets." EP0449074, an English language equivalent of JP04222865 cited in the Action, discusses using compression molding to create a laminate, but that is different from the "rocker arm assembly." The prior art does not teach or suggest what claim 22 recites and claim 22 is allowable over the prior art.

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Claim 23

The prior art does not teach or suggest what is claimed in claim 23. The Action relies on Juy as anticipating the claimed channel, however, Juy is directed to reinforced plastic parts, which are heavier than the claimed structural fiber fabric. Further, none of the references teach or suggest that the inner and outer plates are made of metal and plastic respectively. Thus, the prior art does not teach or suggest what claim 23 recites and claim 23 should be allowable over the prior art.

Conclusion

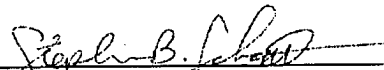
If the Examiner believes that the prosecution of this application would be advanced by an in-person or telephone conference, the Examiner is invited to contact the undersigned by telephone to arrange a conference at the Examiner's convenience.

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In view of the foregoing amendment and remarks, Applicant respectfully request reconsideration and submits that the present application, including claims 1-23, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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Enclosures